

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,
Plaintiff,

vs

Criminal Action
No. 17-260

DERON HOWELL,
KAHLIL SHELTON,
Defendants.

Transcript of status conference proceedings held on
December 19th 2017, United States District Court, Pittsburgh,
Pennsylvania, before the Honorable Arthur J. Schwab, U.S.
District Court Judge.

APPEARANCES:

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Proceedings recorded by digital stenography; transcript
produced by computer-aided transcription.

P R O C E E D I N G S

(In open court.)

THE COURT: Good morning. This is the time and place that we set for status conference in Criminal No. 17-00260.

I ask counsel for the United States to enter your appearance, please.

MR. LANNI: Good morning, Your Honor. Assistant United States Attorney Timothy Lanni on behalf of the Government.

THE COURT: On behalf of each of the Defendants, please?

MR. TOWNSEND: May it please the Court, Steven Townsend on behalf of Mr. Howell.

THE COURT: Welcome.

MR. DeMATT: Michael DeMatt on behalf of Mr. Shelton.

THE COURT: And our current pretrial date is January 2nd, 2018, is that correct?

MR. LANNI: That's my understanding, Your Honor.

THE COURT: Correct, counsel?

MR. TOWNSEND: Yes, Your Honor.

MR. DeMATT: Yes, Your Honor.

THE COURT: So why don't you give me a status report to know whether we need to set some dates for some pleas or whether I need to set a trial date for you today.

MR. LANNI: Your Honor, just preliminarily, to start

1 from the Government, I've spoken with counsel both about
2 discovery -- I wouldn't say issues, but outstanding discovery.
3 I had a brief opportunity to speak with Mr. Townsend before I
4 came into the courtroom today, and I didn't have a chance to
5 speak with Mr. DeMatt.

6 However, what was requested I received from Cranberry
7 Township; this is adopted from Cranberry Township. I received
8 that yesterday. I believe I'll be able to turn that over
9 sometime this week, maybe even today or tomorrow I'll make it
10 available for pickup. So I believe that discovery will be
11 pretty much complete after this point.

12 As far as -- we've had really preliminary plea
13 negotiations, but I'll let counsel speak more to that. I don't
14 believe that we've had really any progress in that and may be
15 headed for a trial. So I'll let counsel speak for that.

16 THE COURT: Please.

17 MR. TOWNSEND: Your Honor, on behalf of Mr. Howell,
18 with regard to the outstanding discovery issues, based upon
19 what I received, I don't know how voluminous it will be, I
20 don't think it will be that voluminous, but --

21 THE COURT: Can you give him a little help in that
22 regard?

23 MR. LANNI: Essentially, Your Honor, what was
24 requested were -- there are toll records that were requested
25 between both Defendants' phone and the victim's phone in this

1 case, as well as that there was a consensual phone dump of the
2 victim's phone where there are statements from at least one
3 Defendant from their phone to his phone that would be captured
4 on his phone.

5 So I believe that the toll records -- you know,
6 they're voluminous because they go through long periods of --
7 you know, a long period of time, and there was a lot of
8 records. But they could easily be filtered for the relevant
9 time period, as well as for the text messages, I believe that
10 would be, too. So I don't believe it will be very voluminous.

11 THE COURT: So how long do you -- how long did it take
12 you to go through that information?

13 MR. LANNI: Your Honor, I received it yesterday
14 afternoon about three or four, and I've already gone through
15 pretty much all of it. I just need to compile it in a way that
16 my legal assistant could then get it onto a disk and get it to
17 counsel. So for the relevant time periods, for the indictment
18 and -- at issue here, actually a very short amount of time; but
19 I had to review it for -- you know, to see if there was any
20 exculpatory stuff, Giglio, anything like that. So it took a
21 little bit longer to go through the amount that was there.

22 THE COURT: How long do you think it will take a
23 person of the great experience of defense counsel to go through
24 it in?

25 MR. LANNI: I don't think very long.

1 THE COURT: Okay. Well, thank you for that
2 clarification.

3 MR. TOWNSEND: Your Honor, I appreciate the diligence
4 of counsel here. However, his review of the records may indeed
5 be a lot different than my review of the records, so -- because
6 we're looking at the January 2nd deadline, I would probably be
7 asking for a 30-day extension to have those records reviewed in
8 order to file pretrial motions.

9 THE COURT: Okay, we'll get there in a moment. I'll
10 certainly give you whatever time you need.

11 How about -- what do you think about trying this case
12 on April 2nd? Does that give everybody enough time?

13 MR. LANNI: Your Honor, I'm starting a trial in front
14 of Judge Walton on -- I believe it's going to be March 21st, so
15 I would ask for a little bit longer time.

16 THE COURT: He's only going to take a couple days to
17 try that case, right?

18 MR. LANNI: I think it's going to be a relatively
19 short trial.

20 THE COURT: What date is that?

21 MR. LANNI: I think it's -- if I could just check my
22 phone, Your Honor?

23 THE COURT: Sure.

24 MR. LANNI: Your Honor, that trial is going to be the
25 week of Monday, March 19th. I anticipate it will be --

1 basically just be that week; so I would be available to start
2 on the second if Your Honor would want to have it then.

3 THE COURT: Wonderful.

4 On behalf of Defendants?

5 MR. TOWNSEND: On behalf of Mr. Howell, I would be
6 available to try the case on April 2nd.

7 MR. DeMATT: And likewise on behalf of Mr. Shelton, I
8 would be available that week.

9 THE COURT: Okay. So we'll get you out an order in
10 that regard.

11 What date would you like for a realistic date -- just
12 give me a hard date, whatever date you want for the pretrials.
13 Maybe talk to your defense counsel. I'd rather pick -- I'd
14 rather have a hard date than keep moving the date, so whatever
15 fits your convenience is fine with me.

16 MR. TOWNSEND: Your Honor, would February 2nd work for
17 the Court?

18 THE COURT: Work for you?

19 MR. LANNI: That works for me, Your Honor; thank you.

20 THE COURT: Okay, certainly, February 2nd.

21 Anything else the Government would like to talk about
22 today?

23 MR. LANNI: There's nothing further from the
24 Government, Your Honor.

25 THE COURT: Okay. Anything else on behalf of the

1 defense counsel?

2 MR. TOWNSEND: No, Your Honor.

3 MR. DeMATT: No, Your Honor; thank you.

4 THE COURT: Would you like your clients to be held
5 down with the marshals for a period of time so you can go visit
6 with them a little bit more this morning?

7 MR. TOWNSEND: That would be fantastic.

8 MR. DeMATT: Yes, please.

9 THE COURT: Okay. We'll give you some additional
10 time, which is one advantage of starting these early in the
11 morning. It gives you time to talk to them after the
12 conference without causing difficulty with the return
13 transportation.

14 Sir, do you have any questions?

15 DEFENDANT HOWELL: No, Your Honor.

16 THE COURT: Understand what we're doing?

17 DEFENDANT HOWELL: Yes, Your Honor.

18 THE COURT: Sir, do you understand what we're doing?

19 DEFENDANT SHELTON: Yes, sir.

20 THE COURT: The marshals may remove the Defendants;
21 and, counsel, you can go down and visit with them before their
22 return. Have a great day.

23 MR. TOWNSEND: Thank you.

24 MR. LANNI: Thank you, Your Honor; you, too.

25 MS. KRINGS, DEPUTY CLERK: Court is adjourned.

1 THE COURT: Gentlemen, you're going to file a motion
2 for the February 2 date with the correct language, correct?

3 MR. TOWNSEND: Yes, Your Honor.

4 THE COURT: Okay. Thank you.

5 MR. LANNI: Thank you, Your Honor.

6 (Hearing concluded.)

7 C E R T I F I C A T E

8 I, Shirley Ann Hall, certify that the foregoing is a correct
9 transcript for the record of proceedings in the above-titled
10 matter.

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12
13 s/Shirley Ann Hall
14 Shirley Ann Hall, RDR, CRR
15 Official Court Reporter
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